

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KEVIN UNDERWOOD,

Plaintiff,

v.

**OKLAHOMA PARDON AND
PAROLE BOARD et al.,**

Defendants.

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Case No. CIV-24-1266-G

ORDER

Now before the Court is a Motion to Dismiss (Doc. No. 24) filed by counsel for Plaintiff Kevin Underwood. No response has been submitted within the time allowed.

Mr. Underwood initiated this suit on December 4, 2024, seeking declaratory and injunctive relief from the Court. The Motion represents, and the publicly available record confirms, that Mr. Underwood was executed by the State of Oklahoma on December 19, 2024. *See* Pl.’s Mot. at 1.


Mr. Underwood’s death renders his claims for prospective relief moot and deprives the Court of subject-matter jurisdiction over this action. *See Estate of Schultz v. Brown*, 846 F. App’x 689, 693 (10th Cir. 2021). Accordingly, dismissal is required. *See* Fed. R. Civ. P. 12(h)(3).

CONCLUSION

The Motion to Dismiss (Doc. No. 24) is GRANTED. This action is dismissed without prejudice.

A separate judgment shall be entered.

IT IS SO ORDERED this 15th day of January, 2025.



CHARLES B. GOODWIN
United States District Judge